

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

**NOTICE OF MOTION**  
13-607 (S-2)(JFB)

PHILLIP A. KENNER  
also known as  
“Philip A. Kenner” and

TOMMY C. CONSTANTINE,

Defendants

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**PLEASE TAKE NOTICE**, that upon the Verified Petition of Danske Bank A/S London Branch (“Danske”) filed May 6, 2020; the annexed Declaration of Madeline O’Connor, dated September 9, 2020, and the exhibits thereto; the Declaration of Kellie Fedkenheuer, dated September 9, 2020; the United States’ Statement pursuant to Rule 56.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York (“Local Rule 56.1 statement”) dated September 9, 2020; the United States’ Counter Local Rule 56.1 statement dated September 9, 2020; and the United States’ Memorandum of Law, dated September 9, 2020 and upon all the proceedings had herein, the undersigned will move this Court, before the Honorable Joseph F. Bianco at the United States Courthouse, located at 100 Federal Plaza, Central Islip, New York 11722 for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting the United States’ motion for summary judgment, denying Danske’s cross-motion for summary judgment and for such other relief as the Court may deem just and proper.

**PLEASE TAKE NOTICE** that pursuant to the Court-ordered briefing schedule,  
**Danske's opposition and reply are required to be filed on or before October 9, 2020 and the  
United States' reply is required to be filed on or before October 23, 2020.**

Dated: Central Islip, New York  
September 9, 2020

Respectfully submitted,  
SETH D. DuCHARME  
Acting United States Attorney  
Attorney for Defendant  
Eastern District of New York  
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Central Islip, New York 11722

BY: /s/Madeline O'Connor  
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